

1 of partners that Terry Jones had been given when he was  
2 making capital calls. I don't know why other things were  
3 done by Allan Kane, but that's what Terry Jones told me.

4 Q Did you ever inquire of Mr. Kane or Mr. Franklin  
5 as to who the alien partner was?

6 A No, I didn't.

7 Q As far as you know, did anyone else inquire, any  
8 of the other partners?

9 A No, as far as I know, no.

10 Q Did you attend all the partnership meetings?

11 A I don't know if it was all of them, most. I don't  
12 remember that far, you know, back.

13 Q Well, in the beginning, did you attend the first  
14 few?

15 A Yes. I mean, I attended partnership meetings.  
16 Did I miss one? I don't really remember whether I missed  
17 one or two here and there.

18 Q Okay, so at the meetings that you attended, you  
19 never heard anyone inquire who the alien partner was?

20 A No, I did not.

21 Q well, when it was first announced at the first  
22 meeting that there was an alien partner, did anyone inquire  
23 at *that* particular meeting?

24 A Not that I can remember, no.

25 Q Do you know how many capital calls Mr. Sharifan

1       responded to after he was no longer a partner?

2           A       I believe that there was one -- one I know about.

3           Q       Did you review those documents in the Enforcement  
4       Bureau's direct case finder prior to coming here to testify  
5       today?

6           A       Yes, I did.

7           Q       Do you recall what was done with the payment that  
8       Mr. Sharifan made to Alee as a result of a capital call?

9           A       There was a payment, I know, that was returned to  
10      him,

11          Q       Do you know when it was received?

12          A       No, I don't.

13          Q       Do you know when it was returned?

14          A       I can think -- somewhere between March and July --  
15      I'm trying to think of the year. I don't -- I know it was  
16      when Hopkins & Sutter came on as attorneys. I would say it  
17      was probably 1990.

18          Q       Would you turn to Exhibit 24 in the EB notebook?

19          A       I have that.

20          Q       Do you recognize the document?

21          A       The signature page of the partnership agreement.

22          Q       Do you recognize it?

23          A       Yes.

24          Q       **If** you will take a moment and just **look** at the  
25      other documents in this particular exhibit and tell me

1       whether or not they came from you files.

2               JUDGE STEINBERG:   "Your" meaning Mr. Bernstein's  
3       files or Alee's files?

4               MS. LANCASTER:   Well, Alee's files that are in the  
5       possession of Mr. Bernstein or were in the possession of Mr.  
6       Bernstein.

7               JUDGE STEINBERG:   Okay.   Thank you.

8               THE WITNESS:   I know that I have seen some of  
9       these.   I don't know whether these came from my file.   Some  
10      of them look like better copies than were in my file.

11              BY MS. LANCASTER:

12              Q       If these files were given to the FCC as part of  
13      Alee's discovery responses in this case, who would you think  
14      they came from?

15              A       (No response.)

16              Q       If they're not from your files, who would have  
17      possession of these documents?

18              A       I don't know.   These may have been, I don't know,  
19      Allan Kane's files.   I know that, for instance I'm looking  
20      at page 5, that the one I had -- I had a copy of this page.  
21      It had a fax number across that Hopkins & Sutter had faxed  
22      it to me.

23              Q       But you recognize the document itself?

24              A       Yes.

25              Q       How about the other documents?   Do you recognize

1       them?

2           A       I recognize the agreement to rescind the risk  
3       sharing.

4           Q       Would these be the documents pertaining to Shafi  
5       Sharifan's membership in the partnership?

6           A       Yes, I would think so.

7           MS. LANCASTER: Your Honor, I would ask that these  
8       documents be received into evidence.

9           JUDGE STEINBERG: Any objection?

10          MR. HILL: Well, I have one problem, and that's on  
11       page 2, the subscription agreement. I don't see any name on  
12       it. Looking at the third line from the first paragraph,  
13       it's units of blank of general partnership. There's no  
14       signature.

15          JUDGE STEINBERG: I think it came out yesterday  
16       that these documents came from your offices?

17          MR. HILL: That's correct.

18          JUDGE STEINBERG: Are these part of the books and  
19       records of Alee?

20          MR. HILL: Yes.

21          JUDGE STEINBERG: To the best of your knowledge?

22          MR. HILL: To the best of my knowledge, yes.

23          JUDGE STEINBERG: Including pages 2 and 3?

24          MR. HILL: These came from the books and records  
25       of Alee.

1 JUDGE STEINBERG: In this sequence, if you can  
2 recall?

3 MR. HILL: Now, that I can't recall whether they  
4 were in that order.

5 JUDGE STEINBERG: Okay, but they did?

6 MR. HILL: Yes.

7 JUDGE STEINBERG: Okay. I'll receive the exhibit.  
8 with respect to pages 2 and 3, I'm going to receive them --  
9 it says "rep" on top, John?

10 MR. HILL: I can't read the --

11 JUDGE STEINBERG: It's B-O-D-N-A-C, Bodnac. Does  
12 that name sound familiar to anybody?

13 THE WITNESS: Not to me, Your Honor.

14 JUDGE STEINBERG: Okay, well, I'll receive the  
15 exhibit and pages 2 and 3 will just come in the way they  
16 are. I presume Mr. Evans doesn't have any objections?

17 MR. EVANS: No objection.

18 JUDGE STEINBERG: Okay, so the Enforcement  
19 Bureau's Exhibit 24 is received.

20 //

1 (The document referred to was  
2 marked for identification as  
3 EB Exhibit No. 24 and received  
4 in evidence.)

5 MS. LANCASTER: Thank you, Your Honor

6 BY MS. LANCASTER:

7 Q Let me ask you a question about page 2 and 3, Mr.  
8 Bernstein. Did you sign a subscription agreement when you  
9 joined the partnership?

10 A I don't recall. I've seen this document. I  
11 think, you know, it's in your exhibits, and I've looked at  
12 it. I don't recall whether -- I don't recognize it. I may  
13 have signed it. I don't know.

14 Q Well, when you joined into the partnership,  
15 weren't there a series of documents that you had to fill out  
16 and sign?

17 A Some of the documents, and I can't recall  
18 specifically, were already filled out by Allan Kane and  
19 given to me. I mean, they had my name and all of that. I  
20 don't recall specifically what I got. I've looked at this.  
21 I don't recognize it in particular, but I may have signed  
22 something like this.

23 JUDGE STEINBERG: And by "this" you mean?

24 THE WITNESS: This subscription agreement.

25 BY MS. LANCASTER:

1           Q     When the executive committee took over managing  
2     the partnership --

3           A     Yes.

4           Q     -- from Mr. Kane, did you receive copies of the  
5     partnership records that had previously been in Mr. Kane's  
6     and/or Mr. Franklin's possession?

7           A     At some point we did. This was during the  
8     litigation. I don't know specifically whether all the  
9     records were sent to Hopkins & Sutter for the litigation and  
10    we then got it back or whether it was after we took over the  
11    -- as control of Alee. I just don't remember. I know that  
12    we were involved in litigation and we were being asked by  
13    Hopkins and Sutter to send them things.

14          Q     Well, at some point subsequent to the termination  
15    of Mr. Kane and Mr. Franklin, somebody on the executive  
16    committee took position of their records. Would that be a  
17    correct statement?

18          A     Yes.

19          Q     Who on the executive committee got their records?

20          A     I got some, and I think Becky Jo got some. I know  
21    I got a carton at least from Hopkins & Sutter.

22          Q     Did you go through them after you got them to see  
23    what they were?

24          A     No, I didn't. I had a bad taste after this. I  
25    wasn't going to go reading through it.

Q Well, when in this particular proceeding that  
2 we're in now when the enforcement bureau served Alee with  
3 discovery requests and requests for production of documents,  
4 did you go through them then?

A Yes. I went through them and gave them to  
6 counsel. I also had cartons of the pleadings. I don't know  
7 whether they were all the pleadings, but a lot of the  
8 cartons had pleadings from the Alqreg proceeding.

Q Okay. When did you first learn that Mr. Sharifan  
10 was the alien?

A From Neil Goldberg. He was our attorney.

Q When was that?

A That was sometime in -- it must have been early  
14 1990. I don't know exactly, but that's what I'm assuming.

Q When you learned that Mr. Sharifan was the alien,  
16 did you have any discussions about, well, I've seen him at  
17 partnership meetings since the beginning of the partnership.  
18 Did you say anything to anyone about that?

A I don't recall what I discussed, but I mean it was  
20 starting -- the puzzle was starting to come together who is  
21 Amir Riahi, who was Sharifan.

Q Did you know Mr. Riahi also?

A No, but I know that I had at least one or two  
24 conversations with him on the phone. I don't think I've  
25 ever met him in person.



1 Q Would you turn to EB Exhibit 25?

2 A Yes.

3 Q Tell me if you recognize these documents.

4 A This is the -- yes, I recognize them. I don't  
5 recognize the taxpayer I.D. specifically. You're asking me  
6 these specific for Amir Riahi?

7 Q Let me change my question slightly.

8 A Yes.

9 Q Do you recognize them as being from the files of  
10 Alee

11 A I believe that they are, yes.

12 Q Do you recognize them as being documents  
13 pertaining to Mr. Riahi's partnership membership in Alee's  
14 partnership?

15 A Yes. I mean --

16 MS. LANCASTER: Your Honor, I would ask that EB  
17 Exhibit 25, which is a six page exhibit first page of which  
18 is the general partner's signature page for agreement of  
19 partnership executed by Amir R. Riahi, he entered into  
20 evidence.

21 JUDGE STEINBERG: Well, identify the document  
22 first. The document described will be marked for  
23 identification as Enforcement Bureau Exhibit 25. Any  
24 objection to its receipt?

25 MR. HILL: Same objection concerning the

1 subscription agreement which are pages 3 and 4.

2 JUDGE STEINBERG: Okay, no date, name, signature.

3 Mr. Evans?

4 MR. EVANS: No objection.

5 JUDGE STEINBERG: I'll overrule the objection.

6 Exhibit 25 of the bureau is received.

7 (The document referred to was  
8 marked for identification as  
9 EB Exhibit No. 25 and received  
10 in evidence.)

11 MS. LANCASTER: Thank you, Your Honor.

12 BY MS. LANCASTER:

13 Q Mr. Bernstein, would you turn to page 5 of that  
14 exhibit?

15 A Assignment agreement?

16 Q Yes.

17 A Yes.

18 Q The assignment agreement on page 5 of that exhibit  
19 appears to be an assignment of Mr. Sharifan's interest in  
20 the partnership to Mr. Riahi. Would you agree with that?

21 A Yes.

22 Q Mr. Riahi was not previously a partner in the Alee  
23 partnership, was he?

24 A Previous? I don't understand.

25 Q Previous to this assignment, he wasn't a partner

1 in Alee, correct?

2 A That's my understanding, yes.

3 Q Is there a provision in the Alee partnership that  
4 any partner who wants to assign or sell his or her interest  
5 in the partnership must first give the other partners a  
6 chance to purchase that interest?

7 A Yes, there is.

8 Q Did that occur in this case?

9 A To my knowledge it did not.

10 Q Do *you* have any explanation as to why it did not?

11 A I have no idea as to why it did not.

12 JUDGE STEINBERG: September 23, 1988, was Mr. Kane  
13 still managing the partnership then?

14 THE WITNESS: He was managing the partnership, and  
15 the partners had never met one another until December of  
16 1988. December of 1988, that first meeting, that was the  
17 first meeting when I saw all these people in a room the only  
18 one of which I knew was Joe Bunis. That was the first  
19 partnership meeting. This was done before then.

20 BY MS. LANCASTER:

21 Q So this assignment is executed -- let's see. What  
22 day is it executed?

23 A It looks like --

24 Q September 23, 1988, is that correct?

25 A Yes, that's correct.

1           Q     You're saying that several months later, or  
2     possibly even longer than that later, Mr. Sharifan was still  
3     attending partnership meetings?

4           A     The first meeting of the partnership was December  
5     of 1988.

6           Q     Do you know when the second meeting was?

7           A     I don't. I would assume it was sometime in 1989.

8           Q     Exhibit 23 which is the partnership agreement.

9           A     Yes, I have that.

10          Q     You're familiar with that, aren't you?

11          A     Yes.

12          Q     That appears to be to you the partnership  
13     agreement that was initially entered into by all of the Alee  
14     partners?

15          A     Yes, it does.

16          Q     Has it been amended or altered in any way since  
17     that time?

18          A     No. Not to my knowledge, no.

19          Q     Would you look at the exhibit at the end of that  
20     agreement. There's two Exhibit A pages, and there's an  
21     Exhibit B pages, and I'm not sure they're in the correct  
22     order.

23                   JUDGE STEINBERG: Just for the record, my page 12  
24     is Exhibit A which starts out with the name of Mr.  
25     DiCostanza. Everybody have that?

MS. LANCASTER: Yes, sir.

2 THE WITNESS: Yes. That's mine.

3 JUDGE STEINBERG: My page 13 is Exhibit B, and my  
4 page 14 is Exhibit A. That's got Mr. Jones' name at the  
5 top. Does everybody have it?

6 MR. HILL: No. My page 13 is Exhibit A with Terry  
7 Jones at the top and page 14 is Exhibit B.

8 MS. LANCASTER: Judge, I believe in the beginning  
9 when we added the extra page put it at the end, that's why  
10 they're off.

11 JUDGE STEINBERG: Okay, if somebody could just  
12 check and make sure that the official Commission copies are  
13 exhibit A, DiCostanza, then Exhibit B, then Exhibit A,  
14 Jones. Is that the way it is in your book, Mr. Bernstein?

15 THE WITNESS: Yes, it is.

16 JUDGE STEINBERG: Okay, so now we're all on the  
17 same page.

18 MR. HILL: Where are the official copies, because  
19 I can --

20 MS. LANCASTER: I think they're correct, but we'll  
21 check them.

22 BY MS. LANCASTER:

23 Q Would you look at the Exhibit A pages which are  
24 going to be pages 12 and 14.

25 A I have them.

Q Were these the initial partners of Alee?

2 A This is my understanding that this was the initial  
3 list, but for example, on the list it says Eugene Grumer.  
4 He was never a partner in Alee.

5 Q He attended the first partner's meeting, didn't  
6 he?

7 A He and his wife, yes.

8 Q Oh his wife attended with him?

9 A I think that she did, yes.

10 Q Is there some reason Mr. Grumer could not be a  
11 partner in Alee?

12 A Not to my knowledge, no.

13 Q Any other errors on these documents that you see?

14 A Cellular Dreams is listed correctly, and I see  
15 Shafi Sharifan. No, I don't see any other errors.

16 Q Was one of the partners originally listed as a  
17 partner in Alee a felon?

18 A Not to my knowledge, no.

19 Q You don't recall at your deposition me asking you  
20 that question?

21 A You're referring to, and I'll give you the  
22 partner's name.

23 Q Okay.

24 A Nancy Kelner is an original partner and always was  
25 a partner in Alee.

1 Q I beg your pardon. I didn't hear you.

2 A Nancy Kelner is the original partner and always  
3 was an original partner in Alee. You had asked me about a  
4 felon, and I said that her husband had been arrested for an  
5 anti-defamation something or other in connection with that,  
6 but not her.

7 Q Okay. Was her husband ever listed as a partner in  
8 Alee?

9 A Never.

10 Q I'd like you to turn to Exhibit 12.

11 A Okay.

12 Q Do you recognize Exhibit 12?

13 A Yes. It says Alee Cellular Communications Texas  
14 21?

15 Q Correct.

16 A Yes. The application.

17 Q Is this the original application that was filed  
18 for the Texas 21 license?

19 A I believe so.

20 Q On page 4 of this exhibit, is that your signature?

21 A I believe so, yes. We talked about this, yes.

22 MS. LANCASTER: Your Honor, I don't believe -- has  
23 this been entered into evidence?

24 THE WITNESS: It has.

25 JUDGE STEINBERG: Yes

1 MR. HILL: Yes.

2 JUDGE STEINBERG: It's been received.

3 MS. LANCASTER: I'm sorry. I'm not being very  
4 prompt.

5 JUDGE STEINBERG: Don't worry about it.

6 MS. LANCASTER: I just wanted to make sure.

7 BY MS. LANCASTER:

8 Q Would you look at -- let me see what page it is.  
9 My pages aren't numbered. Look at page 3 of this exhibit.

10 A With the signature on it?

11 Q No. It's the page before.

12 JUDGE STEINBERG: It's the one that starts with  
13 question 10, is that correct Ms. Lancaster?

14 MS. LANCASTER: Correct.

15 THE WITNESS: I'm going to rip this open.

16 MS. LANCASTER: Sure.

17 THE WITNESS: Okay. I see it, yes, ten.

18 BY MS. LANCASTER:

19 Q Did you know the answers to any of these questions  
20 or were the answers filled out before you saw the document?

21 A This was all filled out before I saw the document.

22 Q Do you now know the answers to these questions as  
23 **they** pertain to the current **partners**?

24 A I mean, I should. I'll look at the questions.

25 Q Okay.



1 A (Reviewing document.) Yes.

2 Q Yes you do know the answers?

3 A Yes, I do know the answers.

4 Q How do you know them?

5 A Well, through dealing with the partners through  
6 the litigation that we've been involved with. I mean, I now  
7 know who these people are. Before it was just names.

8 Q Okay. Have you specifically asked them the  
9 answers to these questions?

10 A I specifically -- no, but I know that -- I have  
11 since been advised that they've been told by Becky Jo.

12 Q When were they told?

13 A In preparation for this litigation, I think.

14 Q When?

15 A I don't know. I didn't do the polling. It was  
16 Becky Jo Clark.

17 Q You didn't even know about it when we took your  
18 deposition, did you?

19 A I had -- yes. I had completely forgotten about  
20 it.

21 Q So, when you took your deposition, you denied that  
22 there had ever been any kind of due diligence efforts on the  
23 part of Alee, didn't you?

24 A I said I didn't know of any that had been done,  
25 that I was unaware.

1 Q Page 246 of your deposition.

2 JUDGE STEINBERG: What's the date of the  
3 deposition?

4 MS. LANCASTER: The deposition was taken July 10,  
5 2002.

6 JUDGE STEINBERG: Is that correct, Mr. Bernstein,  
7 to the best of your knowledge? That you were deposed --

8 THE WITNESS: Yes. Yes, Your Honor.

9 JUDGE STEINBERG: -- in this proceeding on July  
10 10, 2002?

11 THE WITNESS: Yes.

12 JUDGE STEINBERG: What page were you referring to?

13 MS. LANCASTER: Page 246.

14 BY MS. LANCASTER:

15 Q And I want you just to read along with me.

16 JUDGE STEINBERG: Is this for impeachment or for  
17 recollection?

18 MS. LANCASTER: No, it's for impeachment. He just  
19 finished saying that they were polled and that he had just  
20 forgotten.

21 JUDGE STEINBERG: Okay.

22 BY MS. LANCASTER:

23 Q Line 8. "To what extent have you conducted  
24 diligence to determine if there are any?" Your answer:  
25 "Again, I was relying on the records of Allan Kane, but I

1 know we've been dealing with these partners for 14 years.  
2 One of the partners is married to a person who had a record,  
3 and they explained to me that one of the reasons that the  
4 husband, it was not put in that the party's name because  
5 they were a felon and the spouse had put it -- it was the  
6 spouse's name." Wait a minute. This is not the right part.

7 JUDGE STEINBERG: That's not the right part?

8 MS. LANCASTER: Page 247.

9 JUDGE STEINBERG: Okay, then let's strike the  
10 other stuff.

11 MS. LANCASTER: Let me strike that.

12 JUDGE STEINBERG: And start again.

13 MS. LANCASTER: Okay, page 247, line 10.

14 MR. HILL: Your Honor, may I look over the  
15 witness' shoulder?

16 JUDGE STEINBERG: Yes, you may.

17 MR. HILL: Thank you.

18 BY MS. LANCASTER:

19 Q "Okay, have you done any due diligence since the  
20 initial forms were completed and submitted to you to  
21 indicate whether existing partners are not felons?"

22 Answer: "Not to my knowledge."

23 Is that correct?

24 A Yes. Yeah, it was not to my knowledge. I found  
25 afterwards Becky Jo had done.

1           Q     Did you have any conversations with Becky Jo about  
2     polling partners to get this information?

3           A     I know that Becky Jo had called me very upset that  
4     she was trying to get a hold of the partners, but I just  
5     hadn't recollected what the purpose was in getting a hold of  
6     the partners. But I did not poll them.

7           Q     You did not poll them and they didn't call you and  
8     ask you if you were ever a felon or if you were a citizen,  
9     did they?

10          A     She said to me, "Bob, I spoke to you." You know,  
11     we spoke quite a bit, and I just didn't remember, no.

12          Q     Look at page 248, line 14. "Do you have  
13     procedures for conducting due diligence on new partners?"

14                 Answer line 16: "We do not to my knowledge have a  
15     procedure to conduct due diligence.!"

16          A     Yes.

17          Q     Are you changing your testimony now?

18          A     No. We don't have a regular procedure to conduct  
19     due diligence. I found out that yes one had been done, but  
20     no, that's not something we do every single year.

21                 JUDGE STEINBERG: When was the last time you had a  
22     new partner, perhaps 1988?

23                 THE WITNESS: The last partner was Wendy Resnick  
24     who was my father-in-law's neighbor's child who she was  
25     admitted as a partner. I new of her, and so on.

1 BY MS. LANCASTER:

2 Q What about Mrs. Riahi?

3 A Mrs. Riahi -- there were a number of discussions.  
4 She had told us that she had to go to the U.S. Embassy to  
5 get Mr. Riahi's remains back in the United States and that  
6 the children were citizens and that she was a citizen and  
7 was having trouble getting his remains shipped back.

8 Q Mr. Sharifan had also told the partnership that he  
9 was a citizen, didn't he?

10 A Yes. He -- yes, that application, the  
11 questionnaire, yes.

12 Q Has the partnership ever conducted any kind of  
13 independent investigation on the various partners to  
14 determine whether or not they're all citizens and/or whether  
15 or not any of them have criminal records?

16 A No, it hasn't. Not to my knowledge, no

17 Q When you say that Mr. Sharifan -- you realize Mr.  
18 Sharifan also had indicated he was a citizen. Did that not  
19 give you a hint that perhaps the partnership ought to make  
20 some kind of independent determination on these issues?

21 A No, I didn't think along those lines, no.

22 Q I would like for you to look at Exhibit 13. Do  
23 you recognize the documents contained in Exhibit 13?

24 A Yes, I do.

25 Q Tell me what they are.

1           A     This was an amendment that was filed in connection  
2     with our being selected Lor Texas 21.

3           Q     Did you review the document prior to it being  
4     filed?

5           A     I believe that I did.

6           Q     And you approved the filing of this particular  
7     document?

8           A     Yes.

9           Q     On page -- it's actually page 3 of the exhibit,  
10    page 2 of the amendment itself.

11          A     You've lost me.

12                JUDGE STEINBERG:  It's the third page in from the  
13    top of the stack, but it's got a typed number 2 on them all.

14                BY MS. LANCASTER:

15          Q     Do you see where it says paragraph number Four  
16    which is on that page?

17          A     Just one second.

18                JUDGE STEINBERG:  That's the page.

19                THE WITNESS:  This is the page, okay.

20                JUDGE STEINBERG:  In other words, paragraph 4  
21    begins "Exhibit 1 as amended"?

22                THE WITNESS:  Yes.

23                JUDGE STEINBERG:  Okay.

24                THE WITNESS:  Okay.

25                BY MS. LANCASTER:

1 Q Paragraph number four indicates that you're giving  
2 the FCC notice of an address change for Joe -- is it Bunis?

3 A Bunis, yes.

4 Q You're notifying the FCC that his address has  
5 changed, is that correct?

6 A Yes.

7 Q His ownership interest had also changed by this  
8 time, hadn't it?

9 A I don't know that it had.

10 Q Do you recall that Mr. Bunis started out with  
11 approximately a four percent ownership interest, do you  
12 remember that?

13 A Yes, I do.

14 Q Did he sell or assign any portion of his interest?

15 A He did.

16 Q Do you recall when he did that?

17 A I don't recall when it was done, no. I can recall  
18 that it was done.

19 Q If his interest had already changed by the time  
20 this amendment was filed -- and we're looking for a document  
21 I'll show you that indicates it was. I will show you a  
22 document that indicates his interest was sold in June of  
23 1991. *This* exhibit was filed on May 11, 1992, is that  
24 correct?

25 JUDGE STEINBERG: His interest was sold in June of

1 1991? Okay.

2 MS. LANCASTER: A portion of his interest. I'll  
3 show you a document. I'm just saying --

4 JUDGE STEINBERG: Well, are you talking about Alee  
5 Exhibit 6, showing the witness, or is there a different  
6 document?

7 MS. LANCASTER: I don't remember. That's why I  
8 was asking --

9 JUDGE STEINBERG: Oh, it's part of the bureau  
10 case?

11 MR. EVANS: I think this was after the document  
12 that I used --

13 MS. LANCASTER: It was a document that he used --

14 MR. EVANS: -- to refresh Mr. Jones' recollection.

15 MS. LANCASTER: That's right.

16 JUDGE STEINBERG: Okay. Can't we just say you  
17 know, just assume that his interest was changed in June  
18 1991.

19 MS. LANCASTER: Well, I would be happy to, Your  
20 Honor, but the witness doesn't recall, and my question **is**  
21 based on if --

22 JUDGE STEINBERG: On his specification  
23 recollections, okay.

24 MS. LANCASTER: Well, I asked him to just for the  
25 moment, for the purpose of this question, to assume --



1 JUDGE STEINBERG: Okay.

2 MS. LANCASTER: -- that Mr. Bunis' interest was  
3 sold, half of it was sold, or two percent or something  
4 approximating that.

5 JUDGE STEINBERG: Two percent.

6 MS. LANCASTER: Was sold in June of 1991.

7 JUDGE STEINBERG: Okay. Can you accept that  
8 premise?

9 THE WITNESS: I'll accept it, yes.

10 BY MS. LANCASTER:

11 Q That being the case, can you explain to me why  
12 there's no mention in this May 11, 1992, document indicating  
13 that there's been any ownership change of Mr. Bunis'  
14 interest?

15 A I can't explain. It was a minor transfer within  
16 the partnership, but I don't know.

17 Q I beg your pardon?

18 A It was a minor transfer within the partnership. I  
19 believe it was Cellular Dreams that purchased his interest  
20 which was already a partner.

21 Q But it would affect Mr. Bunis' vote, wouldn't it?

22 A Yes, it would.

23 Q what in your opinion does it take, what *percentage*  
24 of change would be required before Alee is required or was  
25 at that time required to report that change to the FCC?